

**United States Bankruptcy Court  
District of Massachusetts**

In re Comfort Bedding & Furniture, Inc.

Case No. 11-42740  
Debtor(s) Chapter 11

**EX PARTE APPLICATION OF THE DEBTOR FOR AN ORDER  
APPROVING THE EMPLOYMENT AND RETENTION OF COUNSEL**

NOW COMES Comfort Bedding & Furniture, Inc. ("Debtor"), pursuant to U.S.C. §327(a) and Federal Bankruptcy Rule 2014(a) and requests that this Court approve its retention and employment of the attorney Robert L. O'Brien, P.O. Box 357, New Boston NH 03070, as counsel to the Debtor. In support of this Application, the Debtor states as follows:

1. On June 28, 2011, Debtor filed a voluntary petition on an emergency basis under Title 11, Chapter 11 of the United States Code in the Bankruptcy Court for the District of Massachusetts.
2. The Debtor requires counsel in this case to represent it in its reorganization efforts and all other matters directly related to the administration of the estate including but not limited to services involving: (1) the plan and disclosure statement; (2) motions for relief and cash collateral and post-petition/take-out financing issues; (3) assumption/rejection of executory contracts; (4) turnover, fraudulent transfer, preference actions and other avoidance and/or subordination actions; (5) other litigation; and (6) all other matters necessary and proper for the representation of the Debtor in this case.
3. Applicant has an undergraduate degree in business administration, and has handled dozens of reorganization cases on behalf of debtors and creditors in other jurisdictions and is qualified to represent Debtor in its reorganization efforts in this case.
4. To the best of the Debtor's knowledge, Robert L. O'Brien has no connection with the creditors, the Debtor(s), the Office of the United States Trustee or any other parties-in-interest or their respective attorneys or other professionals.
5. After due inquiry, the Debtor is satisfied that Robert L. O'Brien is a disinterested party in the matters in which it is to be engaged within the meaning and intent of 11 U.S.C. §101(14). (See Affidavit of Robert L. O'Brien, attached as Exhibit A).
6. The Debtor believes the employment of Robert L. O'Brien is in the best interest of the estate.

7. Robert L. O'Brien agrees to represent the Debtor on an hourly rate basis plus reimbursement of expenses. On the Petition Date the Debtor has provided counsel with a \$10,000.00 retainer. Robert L. O'Brien claims an hourly rate of \$250.00. All fees and expenses are subject to the Court's approval after an appropriate application at the completion of services that the fees and expenses are: (a) reasonable; (b) actual; (c) necessary; (d) not improvident; and (e) benefit the estate. To the extent circumstances warrant, counsel reserves the right to request a premium above the amount of his hourly rate if he can justify it.
8. Counsel has been representing the Debtor since the petition date, and therefore requests employment effective as of June 28, 2011.
9. This application has been forwarded to the United States Trustee's Office.

WHEREFORE, Debtor respectfully requests that the employment of Robert L. O'Brien as Attorney for the Debtor under the terms specified above be approved by this Court and that the Court order such other and further relief as it deems just and equitable.

Dated: July 6, 2011

Respectfully submitted,

/s/ Errol L. Rick  
Errol L. Rick, President  
Comfort Bedding & Furniture, Inc., Debtor

#### **CERTIFICATE OF SERVICE**

I, Robert L. O'Brien, hereby certify that I have, this day, forwarded a copy of the foregoing Application of the Debtor for an Order Approving the Employment and Retention of Counsel to the Office of the United States Trustee, via the Court's electronic filing system.

Dated: July 6, 2011

/s/ Robert L. O'Brien  
**Robert L. O'Brien 653806**  
**Attorney at Law**  
**P.O. Box 357**  
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**United States Bankruptcy Court  
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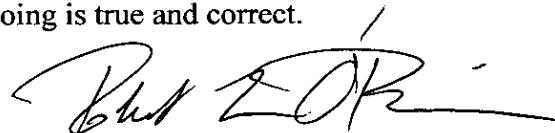
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**DECLARATION OF ROBERT L. O'BRIEN**

I, Robert L. O'Brien, being duly sworn do hereby state as follows:

1. I am an attorney duly admitted to practice before all courts in the Commonwealth of Massachusetts as well as this Court. I am a sole practitioner whom the Debtor is seeking to employ as counsel by the application to which this Declaration is attached.
2. I have experience in reorganization matters such as the one involved in this case.
3. I do not hold any interest adverse to the Debtor, U.S. Trustee's office or any other party-in-interest in this case. He may, however, represent parties-in-interest in this case in matters unrelated to this case from time to time but is not aware of any such representation at this time. I am a "disinterested person" as the term is defined in 11 USC Sec 101(14).
4. There has been and will be no sharing of compensation, and there is no agreement for the sharing of any compensation paid, or to be paid, for services rendered, or to be rendered, to the Applicant in this case, except as otherwise ordered by the Court.
5. I have received a retainer in this case in the amount of \$10,000.00, which sum, upon information and belief, was generated by the debtor from its personal income earned prior to filing this case.
6. I shall amend this statement immediately upon my learning that (A) any of the within representations are incorrect or (B) there is any change of circumstance relating thereto.
7. I have reviewed the provisions of MLBR 2016-1.
8. I declare under penalty of perjury that the foregoing is true and correct.

July 6, 2011.



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